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1	U.S. Bankruptcy Court Central District of California located at 255 East Temple Street Los Angeles
2	Courtroom 1368.
3	I declare under the penalty of perjury under the laws of the State of California and United
4	States that the foregoing is true and correct.
5	Date: 7/14/2021
6 7	/s/ Michael Okayo
8	Michael Okayo, Attorney for Debtor
9	Whenaer Okayo, Attorney for Debtor
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### JURISDICTION AND VENUE

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- 1. This Court has Jurisdiction to consider this Motion under 28 U.S.C. Section 157 and 1334. This is a core proceeding under 28 U.S.C. Section 157(b). Venue of this case and this Motion in this district is proper under 28 U.S.C. Section 1408 and 1409.
  - 2. The legal predicate for the relief requested herein are Local Bankruptcy Rule 1017-2 (c).

#### **BACKGROUND**

- 3. Debtor through his attorney filed an emergency case under the U.S. Bankruptcy Code Chapter 13 on June 22, 2021 electronically.
- 4. The Clerk issued a Set Case Commencement Deficiency Deadlines on June 23, 2021 which stated that incomplete filings were due by 7/7/2021.
  - 5. The 341(a) Creditor's Meeting was scheduled for July 29, 2021 at 9:00 am.
- 5. Debtor through his attorney filed the Schedules, Statements, and Chapter 13 Plan on July 7, 2021.
- 6. On July 12, 2021 Debtor's attorney was surprised to receive an Order and Notice of Dismissal for Failure to File Schedules, Statements and/or Plan.
- 7. On July 13, 2021 Debtor's attorney called CM/ECF Help Desk and was informed that Schedule H: Your Codebtors (Form 106H) and Disclosure of Compensation of Attorney for Debtor (Form 2030) were missing.
- 8. Debtor's attorney realized that he had inadvertently failed to include the aforesaid Schedule H among the documents filed on July 7, 2021.
- 9. Debtor's attorney is providing discounted legal services in this matter as part of legal aid as Debtor is an indigent and by July 7, 2021 Debtor's attorney had not received any compensation in terms of legal fees. Debtor's attorney mistakenly believed that he would not need to file the

Disclosure of Compensation of Attorney for Debtor until the time when he would receive some compensation for his services.

- 10. The Court Clerk entered an Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Plan on July 12, 2021.
- 11. Debtor, who relies on social security benefits and disability for sustenance filed this bankruptcy Chapter 13 case to enable him pay off back taxes and release a lien on his property. He wishes that this bankruptcy case be re-opened and he be allowed to complete the Chapter 13 case.
- 12. Debtor's attorney has received by Redwood Trust Deed Services, Inc acting for itself or for an undisclosed Creditor that it intends to sell the Debtor's home by auction on July 26, 2021 in purported enforcement of a debt that arose in 2006, about 15 years ago. Debtor disputes the said debt which would in any event be barred by the Statute of Limitations, and it is therefore crucial that the bankruptcy case and the Automatic Stay be reinstated to preserve the bankruptcy estate for the benefit of all Creditors and all parties in interest.
- 13. Attached hereto marked as **Exhibit A** and **Exhibit B** are the Schedule H and Disclosure of Compensation of Attorney that were missing from the petition documents respectively.
- 14. By granting motion Debtor would have ample time to file and serve all required documents and provide notice and copies to all parties in interest.
  - 15. Reopening this case is not discriminatory to any or all parties in interest.
- 16. For the foregoing reasons, the Debtor respectfully requests the court to reinstate the chapter 13 petition.

Dated: 7/14/2021

Respectfully submitted.

Michael Okayo

Michael Okayo

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Main Document

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- 4. That on July 7, 2021 I timely filed the Schedules, Statements and the Chapter 13 Plan on behalf of the Debtor herein. Attached hereto and marked as **Exhibit C** is a copy of the Docket Report showing the filings herein.
- 5. That on or about July 12, 2021 I was surprised to receive an Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Plan.
- 6. That I logged onto CM/ECF to find out what was missing but I could not establish the same. On July 13, 2021 I called the CM/ECF Help Desk and was informed that Schedule H (Form 106H) and Disclosure of Compensation of Attorney for Debtor (Form 2030) were missing.
- 7. That I am providing discounted legal services to the Debtor herein as fulfillment of my professional duty to provide legal aid to the indigent. By the time I was filing the Schedules I had not received any compensation in terms of legal fees from the Debtor and I therefore believed that I would not be required to file the Disclosure of Compensation of Attorney for Debtor until such a time as I would receive some compensation. The Debtor had agreed to make a deposit from funds he anticipated receiving.
- 8. That I have been notified by Redwood Trust Deed Services, Inc acting for itself or for an undisclosed Creditor that it intends to sell the Debtor's home by auction on July 26, 2021 in purported enforcement of a debt that arose in 2006, about 15 years ago. Debtor disputes the said debt which would in any event be barred by the Statute of Limitations, and it is therefore crucial that the bankruptcy case and the Automatic Stay be reinstated to preserve the bankruptcy estate for the benefit of all Creditors and all parties in interest.
- 9. The Debtor's home is the only valuable asset in the bankruptcy estate and if the order of dismissal is not vacated, the bankruptcy case reinstated, and the automatic stay restored immediately then there is a risk of the property being sold and the interests of the Debtor and all the other

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1	Creditors being severely prejudiced. The Debtor may also be rendered homeless at a time when we
2	are facing a pandemic.
3	10. It is therefore imperative and in the interest of the Debtor and all the Creditors that the
4	automatic stay be restored and continued and the protection extended throughout this bankruptcy
5	proceeding.
6 7	I declare under penalty of perjury, under the Laws of the United States of America and
8	
9	California that the foregoing is true and correct.
LO	
11	Executed this 14 <sup>th</sup> day of July, 2021 in Los Angeles, California.
12	
L3	
14	Michael Okayo
15	Michael Okayo,
L 6	Attorney for Movant/Debtor
L7 L8	
L 9	
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## **EXHIBIT A**

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Fill in this	information to	identify your case	e:
Debtor 1	Ricky Leon C	Carrell	
DODIO! 1	First Name	Middle Name	Last Name
	filing) First Name	Middle Name  Court for the: Cent	Last Name ral District of California
Case numb (if know)	oer 2:21-bk-150	086-VZ	

#### Official Form 106H

### **Schedule H: Your Codebtors**

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list eith	ner spouse as a codebtor.)		
✓ No			
Yes			
2. Within the last 8 years, have you lived in a community property state Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, T			
☐ No. Go to line 3.			
Yes. Did your spouse, former spouse, or legal equivalent live with you a	t the time?		
✓ No			
Yes. In which community state or territory did you live?	Fill in the name and current address of that person.		
3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.			
Column 1: Your codebtor	Column 2: The creditor to whom you owe the debt Check all schedules that apply:		

### **EXHIBIT B**

B2030 (Form 2030) (12/15)

## United States Bankruptcy Court

			Dist	trict Of	
In	re				
				Case No	
De	btor			Chapter	
		DISCLO	SURE OF COMPENSAT	ION OF ATTORNEY FOR DEBTOR	
1.	nan ban	ned debtor(s) and thankruptcy, or agreed to	t compensation paid to me v	2016(b), I certify that I am the attorney for the above within one year before the filing of the petition in rendered or to be rendered on behalf of the debtor(s) in tcy case is as follows:	1
	For	legal services, I have	e agreed to accept	\$	
	Pric	or to the filing of this	statement I have received .	\$	
	Bal	lance Due		\$	
2.	The	e source of the compe	ensation paid to me was:		
		Debtor	Other (specify)		
3.	The	e source of compensa	tion to be paid to me is:		
		Debtor	Other (specify)		
4.			ed to share the above-disclosates of my law firm.	sed compensation with any other person unless they are	•
		members or associa		compensation with a other person or persons who are n of the agreement, together with a list of the names of the l.	
5.		return for the above-d e, including:	isclosed fee, I have agreed	to render legal service for all aspects of the bankruptcy	
	a.	Analysis of the debt file a petition in ban		l rendering advice to the debtor in determining whether	· to
	b.	Preparation and filin	ng of any petition, schedules	s, statements of affairs and plan which may be required	ļ <b>;</b>
	c.	Representation of the hearings thereof;	ne debtor at the meeting of c	creditors and confirmation hearing, and any adjourned	

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B2030 (Form 2030) (12/15)

- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

	CERTIFICATION
	oing is a complete statement of any agreement or arrangement for payment to he debtor(s) in this bankruptcy proceeding.
Date	Michael Okayo Signature of Attorney
	Name of law firm

## **EXHIBIT C**

### U.S. Bankruptcy Court Central District of California (Los Angeles) Bankruptcy Petition #: 2:21-bk-15086-VZ

Date filed: 06/22/2021 Debtor dismissed: 07/12/2021 341 meeting: 07/29/2021

Assigned to: Vincent P. Zurzolo Chapter 13 Voluntary Asset Claims Register

Debtor disposition: Dismissed for Failure to

File Information

Debtor

**Ricky Leon Carrell** 10460 S Vermont Ave Los Angeles, CA 90044

LOS ANGELES-CA

323-979-3268

SSN / ITIN: xxx-xx-5201

Trustee

Nancy K Curry (TR)

1000 Wilshire Blvd., Suite 870 Los Angeles, CA 90017

213-689-3014

U.S. Trustee

**United States Trustee (LA)** 

915 Wilshire Blvd, Suite 1850

Los Angeles, CA 90017

(213) 894-6811

represented	by	Michael	Okayo
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21515 Hawthorne Blvd Ste

200

Torrance, CA 90503

310-844-7626

Fax: 844-328-4811

Email: mokayo@okayoco.com

Filing Date	#	Docket Text
06/22/2021	1 (11 pgs; 3 docs)	Chapter 13 Voluntary Petition Individual . Fee Amount \$313 Filed by Ricky Leon Carrell Summary of Assets and Liabilities (Form 106Sum or 206Sum ) due 07/6/2021. Schedule A/B: Property (Form 106A/B or 206A/B) due 07/6/2021. Schedule C: The Property You Claim as Exempt (Form 106C) due 07/6/2021. Schedule D: Creditors Who Have Claims Secured by Property (Form 106D or 206D) due 07/6/2021. Schedule E/F: Creditors

		Who Have Unsecured Claims (Form 106E/F or 206E/F) due 07/6/2021. Schedule G: Executory Contracts and Unexpired Leases (Form 106G or 206G) due 07/6/2021. Schedule H: Your Codebtors (Form 106H or 206H) due 07/6/2021. Schedule I: Your Income (Form 106I) due 07/6/2021. Schedule J: Your Expenses (Form 106J) due 07/6/2021. Declaration About an Individual Debtors Schedules (Form 106Dec) due 07/6/2021. Statement of Financial Affairs (Form 107 or 207) due 07/6/2021. Chapter 13 Plan (LBR F3015-1) due by 07/6/2021. Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (Form 122C-1) Due: 07/6/2021. Chapter 13 Calculation of Your Disposable Income (Form 122C-2) Due: 07/6/2021. Schedule J-2: Expenses for Separate Household of Debtor 2 (Form 106J-2) due 07/6/2021. Cert. of Credit Counseling due by 07/6/2021. Statement of Related Cases (LBR Form F1015-2) due 07/6/2021. Petition Preparer Notice, Declaration, and Signature - Form 119 due by 07/6/2021. Disclosure of Compensation of Bankruptcy Petition Preparer (Form 2800) due 07/6/2021. Disclosure of Compensation of Attorney for Debtor (Form 2030) due 07/6/2021. Declaration by Debtors as to Whether Income was Received from an Employer within 60-Days of the Petition Date (LBR Form F1002-1) due by 07/6/2021. Verification of Master Mailing List of Creditors (LBR Form F1007-1) due 07/6/2021. Incomplete Filings due by 07/6/2021. (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021		Receipt of Voluntary Petition (Chapter 13)( <u>2:21-bk-15086</u> ) [misc,volp13] (313.00) Filing Fee. Receipt number A53076463. Fee amount 313.00. (re: Doc# <u>1</u> ) (U.S. Treasury) (Entered: 06/22/2021)
06/22/2021	2	Statement About Your Social Security Number (Official Form 121) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021	3 (1 pg)	List of Creditors (Master Mailing List of Creditors) Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021	4/(1 pg)	Certificate of Credit Counseling Filed by Debtor Ricky Leon Carrell (RE: related document(s) <u>1</u> Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 06/22/2021)
06/22/2021		Notice of Debtor's Prior Filings for debtor Ricky Leon Carrell Case Number <u>07-13678</u> , Chapter 13 filed in California Central Bankruptcy on 05/07/2007, Dismissed for failure to pay filing fee on 06/20/2007; Case Number <u>19-22351</u> , Chapter 13 filed in California Central Bankruptcy on 10/18/2019, Dismissed for Other Reason on 09/15/2020.(Admin) (Entered: 06/22/2021)

		document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	14 (2 pgs)	Schedule D Individual: Creditors Who Have Claims Secured by Property (Official Form 106D or 206D) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	15 (2 pgs)	Schedule E/F for Individual: Creditors Who Have Unsecured Claims (Official Form 106F or 206F) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	16 (1 pg)	Schedule G Individual: Executory Contracts and Unexpired Leases (Official Form 106G or 206G) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	17 (2 pgs)	Schedule I Individual: Your Income (Official Form 106I) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	18 (3 pgs)	Schedule J: Your Expenses (Official Form 106J) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	19 (6 pgs)	Statement of Financial Affairs for Individual Filing for Bankruptcy (Official Form 107 or 207) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	20 (1 pg)	Statement of Related Cases (LBR Form 1015-2.1) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	2 <u>1</u> (2 pgs)	Summary of Assets and Liabilities for Individual (Official Form 106Sum or 206Sum) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	22 (1 pg)	Declaration About an Individual Debtor's Schedules (Official Form 106Dec) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	23 (1 pg)	Verification of Master Mailing List of Creditors (LBR Form F1007-1) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)

07/07/2021	24 (12 pgs)	Declaration by Debtor as to Whether Debtor(s) Received Income From an Employer Within 60 Days of Petition (LBR Form F1002-1) Filed by Debtor Ricky Leon Carrell (RE: related document(s)1 Voluntary Petition (Chapter 13)). (Okayo, Michael) (Entered: 07/07/2021)
07/07/2021	2 <u>5</u> (16 pgs)	Chapter 13 Plan (LBR F3015-1). Filed by Debtor Ricky Leon Carrell. (Okayo, Michael) (Entered: 07/07/2021)
07/12/2021	26 (1 pg)	Order and Notice of Dismissal for Failure to File Schedules, Statements, and/or Plan - DEBTOR Dismissed (BNC) (Mohammad, Sandra) (Entered: 07/12/2021)

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1	<b>NOTE:</b> When using this form to indicate service of a proposed order, <b>DO NOT</b> list any person or entity in Category I.					
2	Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.					
3	PROOF OF SERVICE OF DOCUMENT					
4	I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 21515 Hawthorne Blvd, Suite 200, Torrance, CA 90503.					
5	A true and correct copy of the foregoing document describedNOTICE OF MOTION AND MOTION TO					
6	VACATE DISMISSAL AND REINSTATE THE CHAPTER 13 PURSUANT TO LBR 1017-2(c); DECLARATION OF MICHAEL OKAYO IN SUPPORT THEREOF will be served or was served (a) on					
7	the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:					
8	I. <u>TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")</u> – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court					
9	via NEF and hyperlink to the document. On <u>07/20/2021</u> I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF					
10	transmission at the email address(es) indicated below:					
11	Nancy K Curry (TR) TrusteeECFMail@gmail.com United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov					
12	☐ Service information continued on attached page					
13						
14	II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):  On I served the following person(s) and/or entity(ies) at the last known					
15 16	address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours					
17	after the document is filed.					
18						
19						
20	Service information continued on attached page					
21	III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each					
22	person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile					
23	transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.					
24						
25	Service information continued on attached page					
26	I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.					
27	7/19/2020Michael Okayo/s/ Michael OkayoDateType NameSignature					
28	Date Type Name Signature					
	- 8 -					